

COPY
TO
CONFORM

Scott M. Kendall
Alaska Bar No. 0405019
Jahna M. Lindemuth
Alaska Bar No. 9711068
Holmes Weddle & Barcott, P.C.
701 West 8th Avenue, Ste. 700
Anchorage, AK 99501
Phone: 907.274.0666
Fax: 907.277.4657

Attorneys for Plaintiff Alaskans for Better Elections

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT ANCHORAGE

ALASKANS FOR BETTER ELECTIONS,)

Plaintiff,)

v.)

KEVIN MEYER, LIEUTENANT)
GOVERNOR OF THE STATE OF)
ALASKA and the STATE OF ALASKA,)
DIVISION OF ELECTIONS,)

Defendants.)

Case No. 3AN-19-____ CI

COPY
Original Received

SEP 05 2019

Clerk of the Trial Courts

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiff, Alaskans for Better Elections, by and through its attorneys, Holmes Weddle & Barcott, PC, hereby files this complaint against defendants Kevin Meyer, Lieutenant Governor of the State of Alaska, and the State of Alaska, Division of Elections by stating and alleging as follows:

INTRODUCTION

1. This case is a challenge to the Lieutenant Governor's August 30, 2019, decision to deny certification of Alaska's Better Elections Initiative ("19AKBE").

2. By refusing to certify 19AKBE, the Lieutenant Governor has denied the citizens of Alaska the opportunity to lawfully exercise their right to the ballot initiative guaranteed by Article XI of the Alaska Constitution.

PARTIES

3. Plaintiff Alaskans for Better Elections is a ballot initiative committee that is working to put the power of Alaskan elections back in the hands of Alaskan voters, in order to make Alaska's elections more open, transparent, and fair. Alaskans for Better Elections is represented by a three-person initiative committee: Jason Grenn, Bonnie L. Jack, and Bruce Bothelo.

4. Defendant Kevin Meyer ("Lieutenant Governor") is being sued in his official capacity as the Lieutenant Governor of the State of Alaska.

5. Defendant Division of Elections is an agency of the State of Alaska, Office of the Lieutenant Governor, and is supervised by the Lieutenant Governor.

JURISDICTION

6. This Court has jurisdiction over this dispute under AS 22.10.020 and AS 15.45.240.

7. Alaska Statute 15.45.240 provides that "[a]ny person aggrieved by a determination made by the lieutenant governor under AS 15.45.010—15.45.220 may bring an action in the superior court to have the determination reviewed within 30 days of the date the determination was given."

8. Alaskans for Better Elections is an aggrieved person under AS 15.45.240, and can sue under Alaska Rule of Civil Procedure 17(b).

9. The Lieutenant Governor's determination was sent to the sponsors on August 30, 2019, 6 days ago. This Complaint is filed within the required 30 days.

FACTS & ALLEGATIONS

10. Alaskans for Better Elections filed their initiative petition with the defendants on July 3, 2019, and the Division of Elections designated it 19AKBE. Under AS 15.45.070, the Lieutenant Governor had 60 calendar days to either certify the application or notify the initiative committee of the grounds for denial. The Lieutenant Governor timely denied certification on August 30, 2019.

11. This lawsuit is brought in the interest of the public to enforce the provisions of Article XI of the Alaska Constitution, AS 15.45.010—15.45.245, and other law affording citizens the right to directly enact laws by initiative.

12. The Lieutenant Governor has unlawfully denied Alaskans for Better Elections and the citizens of Alaska the opportunity to exercise their constitutional initiative rights by refusing to certify 19AKBE.

13. The Lieutenant Governor's refusal to certify 19AKBE is incorrect as a matter of law.

14. The Lieutenant Governor's refusal to certify 19AKBE violates provisions of the Alaska Constitution and other provisions of law related to the initiative process.

PRAYER FOR RELIEF

Alaskans for Better Elections requests that the Court grant the following relief:

HOLMES WEDDLE & BARCOTT, PC
701 WEST EIGHTH AVENUE, SUITE 700
ANCHORAGE, ALASKA 99501-3408
TELEPHONE (907) 274-0666
FACSIMILE (907) 277-4657

- A. Declare that the Lieutenant Governor's determination that 19AKBE addresses more than one subject in violation of the Alaska Constitution is incorrect as a matter of law;
- B. Declare that 19AKBE is in the proper form;
- C. Issue a preliminary injunction requiring the Lieutenant Governor to print and make petition booklets available by September 16th to protect the ability of Alaskans for Better Elections to file the full initiative petition on or before the start of the 2020 legislative session;
- D. Issue a permanent injunction requiring the Lieutenant Governor to certify 19AKBE;
- E. Award Alaskans for Better Elections their reasonable costs and attorney's fees;
- F. Grant Alaskans for Better Elections such other relief as the Court deems necessary and proper.

Respectfully submitted this 5th day of September, 2019

HOLMES WEDDLE & BARCOTT, PC
Attorneys for Plaintiff, Alaskans for Better
Elections

By: _____

Scott M. Kendall
Alaska Bar Assoc. No. 0405019
Jahna Lindemuth
Alaska Bar Assoc. No. 9711068